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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,732	08/22/2001	Charles Kannankeril	D-30200-01	9025

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EXAMINER	
GOFF II, JOHN L	

ART UNIT	PAPER NUMBER
1733	6

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/934,732	Applicant(s) KANNANKERIL ET AL.
	Examiner John L. Goff	Art Unit 1733

-- Th MAILING DATE of this communication appears on th cover sheet with the correspondenc addr ss --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) *19 and 20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 August 2001* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I (appears to read on claims 1-18) directed to extruding two films.

Species II (appears to read on claims 19 and 20) directed to extruding one film.

An election of species II will require a further sub-species election:

Species II-A, appears to read on claim 19, directed to a tubular film

Species II-B, appears to read on claim 20, directed to a flat film.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there are no generic claims.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. During a telephone conversation with Mr. Rupert Hurley on 2/3/03 a provisional election was made with traverse to prosecute the invention of species I, claims 1-18. Affirmation of this election must be made by applicant in replying to this Office action. Claims 19 and 20 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 35-38 (Figure 11). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: On page 16, line 13 delete "56" and insert therein - - 58 - -.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 10 recites the limitations "the second roll" in line 1 and "the first roll" in line 2. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1-5, 7-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami (U.S. Patent 4,657,625) in view of Rich (U.S. Patent 3,703,430).

Kawakami is directed to producing an inflated article such as bubble pack. Kawakami teaches simultaneously extruding first and second flat films, cooling the films to below their fusion temperature using cooling rolls, heating the films to above their fusion temperature using heating rolls, and contacting the films under pressure using a pair of nip rolls (one of the rolls is patterned) to form the inflated article (Figure 1 and Column 3, lines 43-63). Kawakami is silent as to heating selected portions of the films by passing them through heated nip rolls. However, it is noted the cooled films taught by Kawakami are the same as preformed films. It is known in the art to use heated nip rolls when producing inflated articles by fusion bonding two preformed films as shown for example by Rich. It would have been well within the purview of one of ordinary skill in the art at the time the invention was made to use in place of the separate heating and pressure rolls taught by Kawakami heated nip rolls as suggested by Rich as only the expected results would be achieved, i.e. an inflatable article having inflatable chambers would be produced.

Regarding claim 10, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use as the nip rolls taught by Kawakami two patterned rolls as shown by Rich to form an inflatable article with air pockets on both sides of the article.

Regarding claim 15, one of ordinary skill in the art at the time the invention was made would be readily expected to determine the surface roughness of the patterned roll(s) taught by Kawakami as modified by Rich without requiring undue experimentation.

Rich is directed to producing an inflatable article. Rich teaches simultaneously feeding preformed first and second flat films to a first pair of heated, patterned nip rolls to form an inflated article with a plurality of longitudinal seals. Rich further teaches feeding the inflated article to a second pair of heated, patterned nip rolls to form transverse seals in the inflated article (Figures 1-4 and Column 2, lines 24-27, 39-41, 55-61).

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami and Rich as applied above in paragraph 11, and further in view of Chavannes (GB 978,654).

Kawakami and Rich as applied above teach all of the limitations in claim 6 except for a teaching on using separate extruders to extrude the first and second films. Absent any unexpected results, it would have been well within the purview of one of ordinary skill in the art at the time the invention was made to extrude the first and second films taught by Kawakami as modified by Rich using separate film extruders as suggested by Chavannes.

Chavannes is directed to producing an inflatable article using two extruded films wherein the films are extruded using separate extruders (Figure 3 and Page 3, lines 112-130 and Page 4, lines 1-17).

13. Claims 14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawakami and Rich as applied above in paragraph 11, and further in view of Caputo (U.S. Patent 4,576,669).

Kawakami and Rich as applied above teach all of the limitations in claims 14 and 16-18 except for a teaching on coating the nip rolls with a release coating and cooling the inflated article using a cooling roll.

Regarding claims 14, it would have been obvious to one of ordinary skill in the art at the time the invention was made to coat the nip rolls taught by Kawakami as modified by Rich with a release coating as suggested by Caputo to prevent the softened films from sticking to the rolls.

Regarding claims 16-18, it is noted Kawakami teaches a peeling roll for reeling up the inflated article. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use as the peeling roll taught by Kawakami as modified by Rich a cooled peeling roll as suggested by Caputo to accelerate the cooling of the inflated article. As to the hardness of the cooling roller, one of ordinary skill in the art at the time the invention was made would be readily expected to determine the hardness without requiring undue experimentation.

Caputo is directed to an inflated article. Caputo teaches feeding preformed first and second flat films to a pair of nip rolls (one heated roll and one patterned roll), fusion bonding the films under heat and pressure to form an inflated article, and cooling the inflated article using a cooling roll (Figure 1 and Column 4, lines 17-21 and 43-48). Caputo teaches coating the nip rolls with a release coating (such as Teflon) to prevent the softened films from sticking to the rolls (Column 6, lines 32-35 and 41-45 and Column 10. lines 38-56).

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **703-305-7481**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

John L. Goff
February 4, 2003

Michael W. Ball
Supervisory Patent Examiner
Technology Center 1700